UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/579,309	05/25/2000	Russell W. Bell	60705-1240	7169

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EXAMINER
NGUYEN, PHUOC H

ART UNIT	PAPER NUMBER
2143	

DATE MAILED: 05/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.		Applicant(s)	
Office Action Summary	09/579,309		BELL, RUSSELL W.	
	Examiner		Art Unit	
	Phuoc H. Nguyen		2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-33* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-33* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____ .

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)	4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) ☐ Notice of Informal Patent Application (PTO-152)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .	6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed
> in the United States before the invention by the applicant for patent or (2) a patent granted on an application for
> patent by another filed in the United States before the invention by the applicant for patent, except that an
> international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this
> subsection of an application filed in the United States only if the international application designated the United
> States and was published under Article 21(2) of such treaty in the English language.

2.   Claims 1-33 rejected under 35 U.S.C. 102(e) as being anticipated by Pickett et al. U.S.

Patent 6,356,554.

3.   Referring to claims 1,13, and 28, Pickett reference disclose a first computer (Figure 19,

communication system 50a); a first communication device (NIC) electrically coupled to the first

computer configured to provide communications over a LAN (col. 5, lines 60 through col. 6,

lines 19), the first communication device in communication with a WAN (Figure 19, 58a) via a

first communication link (Figure 19, 412; and col. 44, lines 54 through col. 45, lines 31); a

second computer (Figure 19); and a second communication device electrically coupled to the

second computer configured to provide communications over the LAN between the second and

the first computers, wherein the first computer is configured to assign at least one virtual

connection for each of the first and second computers to enable the first computer to route WAN

data traffic across the LAN (Figure 19; col. 5, lines 60 through col. 6, lines 19; col. 40, lines 35-

65; col. 44, lines 54 through col. 45, lines 31; and col. 43, lines 65 through col. 44, lines 20).

4.   Referring to claims 2, and 14, Pickett reference disclose the first communication link

comprises a xDSL communication link (col. 6, lines 66 through col. 7, 1st paragraph).

5.   Referring to claims 3,15, and 29, Pickett reference disclose local area network (LAN)

data signals are transmitted via frequencies greater than 1 MHz (col. 6, lines 66 through col. 7,

1st paragraph).

6.   Referring to claims 4, and 16, Pickett reference disclose the first computer manages

simultaneous data transfers between both itself and the second computer over the first

communication link (Figures 4,13(a-c), and 18-20).

7.   Referring to claims 5,17, and 31, Pickett reference disclose the at least one virtual

connection is identified and managed via an asynchronous transfer mode (ATM) protocol (col.

45, last paragraph through col. 46, 1st paragraph).

8.   Referring to claims 6, and 18, Pickett reference disclose local area network (LAN) data

signals are transmitted via frequencies less than 1 MHz and wherein the frequencies fall between

identified xDSL frequencies (col. 6, lines 66 through col. 7, 1st paragraph).

9.   Referring to claims 7,19, and 30, Pickett reference disclose each of the first and second

computers are configured with a first and second communication device respectively, each of the

first and second communication devices configured to enable local area network (LAN)

communications between the first and second computers and wherein each of the first and

second communication devices in cooperation with their respective computer is configured to

assign at least one virtual connection for each of the first and second computers to enable either

of the first and second computers to route wide area network (WAN) data traffic across the LAN

(Figure 20, col. 47, lines 1-16, and lines 65 through col. 48, lines 32).

10.   Referring to claims 8, and 20, Pickett reference disclose a master computer and a slave computer are selected from the first and second computers using one or more initialization algorithms (Figure 20, col. 47, lines 1-16, and lines 65 through col. 48, lines 32).

11.   Referring to claims 9,21, and 27, Pickett reference disclose the slave computer is configured to reconfigure the local area network (LAN) upon detecting a master computer failure the slave computer is configured to reconfigure the local area network (LAN) upon detecting a master computer failure (Figure 20; col. 31, last paragraph; col. 47, lines 1-16, and lines 65 through col. 48, lines 32).

12.   Referring to claims 10, and 22, Pickett reference disclose the master computer applies a set of rules derived from a group of parameters consisting of access, traffic rates, and time-of-day when assigning the at least one virtual connection to each of the master and the slave computers (col. 11, 2nd paragraph; and col. 32, lines 1-53).

13.   Referring to claims 11,12, and 23, Pickett reference disclose the first communication link comprises a community antenna television (CATV) network link, and the first communication link comprises a wireless network link (col. 6, lines 66 through col. 7, 1st paragraph).

14.   Referring to claims 24-26, Pickett reference disclose a transfers are completed via a wireless network link, the wide area network (WAN) is the Internet, and the wide area network (WAN) is a private network (col. 6, lines 66 through col. 7, 1st paragraph).

15.   Referring to claim 32, Pickett reference disclose the asynchronous transfer mode (ATM) protocol uses an assigned virtual connection to accomplish data transfers to local area network (LAN) connected devices (Figures 18-20).

16.   Referring to claim 33, Pickett reference disclose the asynchronous transfer mode (ATM)

protocol uses the combination of a terminal control protocol (TCP) and an Internet protocol (IP)

address to identify a destination device on the wide area network (WAN) (col. 9, lines 64

through col. 10, lines 6; col. 21, 2nd paragraph; col. 28, last paragraph through col. 29, 1st

paragraph; and col. 29, 3rd paragraph).

Conclusion

17.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

Pickett U.S. Patent 6,154,465

Anne et al. U.S. Patent 6,282,660

Aho U.S. Patent 6,185,215

Hirviniemi U.S. Patent 5,802,285

Ohba et al. U.S. Patent 5,588,003

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Phuoc H. Nguyen whose telephone number is 703-305-5315.

The examiner can normally be reached on Mon -Thu (7AM-4:30PM) and off every other

Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, David A Wiley can be reached on 703-308-5221. The fax phone numbers for the

organization where this application or proceeding is assigned are 703-746-7239 for regular

communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the receptionist whose telephone number is 703-305-3900.

Phuoc H. Nguyen
Examiner
Art Unit 2143

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May 2, 2003

DAVID WILEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100